

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

IN RE:

RICHARD E CLIFTON

CASE NO. 8:13-bk-02983-MGW
CHAPTER 13

Debtor

RESPONSE TO DEBTOR'S OBJECTION TO CLAIM

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION ("Creditor"), by and through its undersigned attorney, hereby files this Response to Debtor's Objection to Claim on ("the Objection") [DE# 20] and states:

1. The Debtor filed for Chapter 13 relief on March 8, 2013.
2. Creditor filed Proof of Claim 3-1 (the "Claim") on July 15, 2013.
3. The Debtor objects to the Claim on the basis that the Claim seeks amounts that have already been paid by the Debtor and are acknowledged in the Claim.
4. The Debtor seeks to have the claim disallowed.
5. Creditor has reviewed its records and maintains that Proof of Claim 3-1 was filed correctly.
6. Creditor seeks to have its claim allowed.
7. Creditor agrees that it will not receive any distributions from the Chapter 13 trustee.
8. Creditor has advanced payment of homeowners' insurance. Transaction details for the homeowners' insurance costs are outlined on Exhibit "A". Payment for homeowners' insurance was disbursed on April 23, 2009 in the amount of \$1,073.87, on April 16, 2010 in the amount of \$1,141.59, and April 15, 2011 in the amount of \$1,263.84. Disbursements for homeowners insurance for 2012 and 2013 were made by the debtor

directly and have been refunded, as shown on the attached Exhibit "A". An additional disbursement for homeowners' insurance in the amount of \$1,355.00 was made on July 19, 2013. Creditor has not obtained proof of insurance payment from the Debtor. If such proof is provided, Creditor will credit Debtor's account.

9. Creditor's Claim, more specifically Part 3.2, reflects the amounts of installment payments due. At the time of bankruptcy petition filing, the Debtor had failed to make 50 mortgage payments. As reflected on the Claim in Part 3.2, the amount of these 50 installment payments is \$629.54. This amount is reflective of the Debtor's principal and interest payment only. Part 3 of the Claim does not reflect escrow.
10. Creditor does not dispute that Debtor has made payments for payment of property taxes in accordance with the tax records. See Exhibit "B".
11. Creditor has incurred foreclosure attorney's fees in the amount of \$650.00 on August 17, 2009. See Exhibit "C".
12. Creditor has incurred an additional \$260.00 in attorney's fees on September 10, 2009. See Exhibit "D".
13. Creditor has incurred foreclosure costs in the amount of \$975.00 for the filing of the foreclosure complaint on or about August 17, 2009. See Exhibit "C".
14. Creditor incurred an additional \$900.00 in foreclosure fees for serving the foreclosure complaint on or about September 10, 2009. See Exhibit "D".
15. Creditor incurred additional filing costs in the amount of \$600.00 on or about August 4, 2009. See Exhibit "E".
16. No cost of fee for attending mediation was included on the Claim. The \$250 mediation fee was paid by the Creditor in accordance with the administrative order.

17. Creditor reserves the right to file a supplemental response in the future.

WHEREFORE, JPMORGAN CHASE BANK, NATIONAL ASSOCIATION respectfully requests that the Debtor's Objection to its Proof of Claim be overruled and that a hearing be held on this matter, and for such other and further relief as the court may deem just and proper.

/s/ Stefan Beuge

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided via electronic and/or regulate U.S. Mail to the parties on the attached service list this 16th Day of October, 2013.

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